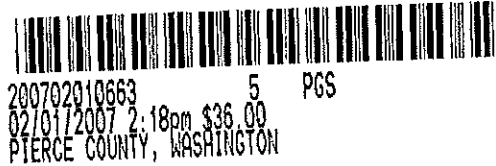


Project # 8577
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AFTER RECORDING RETURN TO:

Mark R. Roberts
Davis Roberts & Johns, PLLC
7525 Pioneer Way, Suite 202
Gig Harbor, WA 98335

Document Title: Restrictive Covenant Regarding Dickman Mill Property

Grantor: METROPOLITAN PARK DISTRICT OF TACOMA

Grantee: State of Washington Department of Ecology

Legal Description: Section 30 Township 21 Range 03 Quarter 42

Legal Description is on Page 4 of this Document.

Reference Number: None

Assessor's Property Tax Parcel: 8950002534

RESTRICTIVE COVENANT REGARDING DICKMAN MILL PROPERTY

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by the Metropolitan Park District of Tacoma, a Washington municipal corporation, its successors and assigns (hereafter "Metro Parks"), and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

Metro Parks is the owner of certain real property located at 2423 Ruston Way, Tacoma, Washington, commonly known as Dickman Mill Park and legally described on the attached Exhibit A and depicted on the attached Exhibit B (hereafter the "Property").

An independent remedial action (hereafter "Remedial Action") occurred at the Property that is the subject of this Restrictive Covenant. The Remedial Action work is depicted on the attached Exhibit B. This Restrictive Covenant is required because

COPY

the Remedial Action resulted in residual concentrations of petroleum hydrocarbons left in place under the cap in the tidal channel.

Metro Parks makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property.

1. The Property shall only be used for the purposes of a park and related recreational activities.
2. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork."
3. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.
4. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.
5. Metro Parks reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect, following public notice, comment and concurrence by Ecology in accordance with applicable law.

EXECUTED this 22nd day of January 2007.

GRANTOR:
METROPOLITAN PARK DISTRICT OF TACOMA

By: 
JACK C. WILSON
Its Executive Director

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

On this 22nd day of January, 2007, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JACK C. WILSON to me known to be the Executive Director of METROPOLITAN PARK DISTRICT OF TACOMA, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.



[Handwritten Signature]

NOTARY PUBLIC in and for the State of
Washington, residing at: GIG HARBOR, WA
My commission expires: 5/15/10
Print Name: MARK R. ROBERTS

EXHIBIT A
LEGAL DESCRIPTION

Section 30 Township 21 Range 03 Quarter 42 TACOMA TIDELANDS: TACOMA TIDELANDS NW OF SE 30-21-03E L 1 THRU 15 B 78, L 1 THRU 7 & SELY 5 FT OF L 8 B 82 TOG/W THAT POR OAKES ST ADJ TO L 15 B 78 & L 1 B 82 EXC ANY POR EXT INTO HARBOR AREA TOG/W THAT POR RUSTON WAY LY NLY OF FOLL DESC LI BEG AT SE COR OF L 1 B 78 TH S 16 DEG 25 MIN 20 SEC W 15 FT TH N 73 DEG 34 MIN 40 SEC W 216.54 FT TH N 61 DEG 31 MIN 38 SEC W 23.71 FT TH S 13 DEG 13 MIN 33 SEC E 33.26 FT TH N 73 DEG 02 MIN 51 SEC W 83.10 FT TH N 71 DEG 01 MIN 55 SEC W 101.23 FT TO PT OF CURVATURE OF C TO R TH ON SD CURVE HAVING RAD OF 1453.87 FT THRU ANGLE OF 04 DEG 20 MIN 01 SEC 109.97 FT TO PT OF COMPOUND CURVATURE OF 2ND C TO R TH ON SD CURVE HAVING RAD OF 600 FT THRU ANGLE OF 10 DEG 58 MIN 45 SEC 114.97 FT TO PT OF COMPOUND CURVATURE OF 3RD C TO R TH ON SD CURVE HAVING RAD OF 963.20 FT THRU ANGLE OF 07 DEG 57 MIN 51 SEC 133.89 FT TH N 47 DEG 45 MIN 18 SEC W 192.31 FT TH N 49 DEG 41 MIN 03 SEC W 293.97 FT TH N 40 DEG 05 MIN 47 SEC E 43.92 FT TO A PT ON NLY R/W LI OF RUSTON WAY SD PT BEING 5 FT NWLY OF SELY COR OF L 8 B 82 EXC THAT POR LY ELY OF FOLL DESC LI COM AT SE COR OF L 1 B 78 TH S 16 DEG 25 MIN 20 SEC W 15 FT TH N 73 DEG 34 MIN 40 SEC W 216.54 FT TH N 61 DEG 31 MIN 38 SEC W 23.71 FT TH S 13 DEG 13 MIN 33 SEC E 33.26 FT TH N 73 DEG 02 MIN 51 SEC W 83.10 FT TH N 71 DEG 01 MIN 55 SEC W 84.39 FT TO PT OF CURVATURE OF C TO R TH ON SD CURVE HAVING RAD OF 1453.87 FT THRU ANGLE OF 04 DEG 09 MIN 56 SEC 105.70 FT TO POB TH N 02 DEG 09 MIN 17 SEC W 150 FT TH N 37 DEG 22 MIN 40 SEC W 78.02 FT TH N 2 DEG 09 MIN 17 SEC W 215 FT TO INNER HARBOR LINE & TERMINUS SD LI SUBJ TO EASE & RESTRICTIONS OF REC APPROX 169,884 SQ FT OUT OF 253-2 SEG E-1394JU 06-02-93CL

